

IN THE MATTER OF LINDA JESSIE LAZONBY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

Mr. D J Leverton (in the chair)
Mr. S N Jones
Mr. M G Taylor CBE

Date of Hearing: 27th March 2002

FINDINGS

of the Solicitors' Disciplinary Tribunal
Constituted under the Solicitors' Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors ("OSS") by Stuart Roger Turner solicitor and partner in the firm of Lonsdales Solicitors of 342 Lytham Road, Blackpool, Lancashire on 25th September 2001 that Linda Jessie Lazonby a solicitor of Blacko, Nelson, Lancashire, might be required to answer the allegations contained in the statement which accompanied the application and that such orders might be made as the Tribunal should think right.

The allegations against the Respondent were that she had been guilty of conduct unbecoming a solicitor in the following particulars namely:-

- (i) That on 24th October 1999 the Respondent was convicted of the offence of being drunk in a public place for which she was fined £70.00 and ordered to pay £44.00 costs.
- (ii) That on 24th March 2000 the Respondent was convicted of resisting or obstructing a Constable in the execution of her duty and fined £200.00 and costs of £250.00
- (iii) That on 24th March 2000 the Respondent was convicted of using threatening, abusive, insulting words or behaviour with the intention to cause fear or provocation of violence and fined £150.00.

- (iv) That on 13th July 2000 the Respondent was convicted of being drunk and disorderly and fined £75.00 and costs of £55.00.
- (v) That the Respondent breached Practice Rule 1 in that her professional behaviour during the course of her retainer compromised or impaired or was likely to compromise or impair her good repute or the good repute of the Solicitors' Profession.
- (vi) That the Respondent failed to respond to correspondence with the OSS.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 27th March 2002 when Stuart Roger Turner Solicitor and Partner in the firm of Lonsdales Solicitors of 342 Lytham Road, Blackpool, Lancashire appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent contained in the letter dated 25th March 2002 from her solicitors.

At the conclusion of the hearing the Tribunal ordered that the Respondent Linda Jessie Lazonby of Blacko, Nelson, Lancashire, solicitor be struck off the Roll of Solicitors and they further ordered that she do pay the costs of and incidental to the application and enquiry to be subject to detailed assessment unless agreed.

The facts are set out in paragraphs 1 to 9 hereunder:-

1. The Respondent was born in 1952 and was admitted as a solicitor in 1978. Her name remained on the Roll of Solicitors.
2. At all material times the Respondent carried on practice as an Assistant Solicitor with Steele Ford & Newton of 1 Colne Road, Brierfield, Lancashire.
3. By a letter dated 26th October 1999 to the OSS the Cumbria Constabulary notified the OSS of the conviction of the Respondent at South Lakes Magistrates' Court on 24th October 1999 of being drunk in a public place.
4. By letter dated 22nd October 1999 from Lancashire Constabulary to the OSS the Constabulary's Solicitor reported that on 14th September the Respondent was arrested for breach of the peace and Police assault at the Swan Public House in Whalley. The matter proceeded to trial and on 24th March 2000 the Respondent was convicted of the matters referred to in allegations 2 and 3.
5. By a letter dated 25th August 2000 the North Yorkshire Police notified the OSS of the Respondent's conviction on 13th July 2000 at Harrogate and Ripon Magistrates' Court for being Drunk and Disorderly.
6. On 15th September 1999 the Respondent appeared at Hyndburn Magistrates Court, Licensing Sessions, to represent a Client who was resisting a Police Application to revoke his Justices' off licence and to make an application for a Protection Order.
7. PS3630 Hopwood of Lancashire Constabulary attended the Magistrates' Court Hearing on behalf of the Police. The Officer was sat in the row in front of the Respondent and identified her as smelling strongly of alcohol, swaying in her seat and he formed the opinion that she was a drunk. The Officer was then subject to cross

examination under oath from the witness box by the Respondent whereupon he believed her behaviour to be beyond the bounds of conduct expected from a Solicitor due to her drunken condition.

8. On 17th November 1999 the OSS wrote to the Respondent and granted an extension requesting a response within 14 days. An extension in the time for responding was granted until 10th January. The OSS wrote again on 16th February after which the Respondent contacted the OSS by telephone on 21st February saying she would reply after 24th March which was after her trial date. On 7th May the OSS wrote again asking for a response to the letter of 17th November. A further letter was sent on 30th June requesting representations within 14 days. On 14th July the OSS received a response by fax.
9. On 31st August 2000 the Professional Regulation Case Work sub Committee A resolved to refer the conduct of the Respondent to the Solicitors' Disciplinary Tribunal.

The Submissions of the Applicant

10. The Respondent had admitted all of the allegations.
11. The Respondent suffered from alcoholism and as result had fallen below the standards expected from solicitors.
12. She had been convicted of offences which were mostly linked to alcohol.
13. Most of the allegations related to three days in the Applicant's life namely the 14th, 15th and 16th September 1999.
14. At that time the Respondent had been so drunk that the more serious offences had been charged as set out in allegations 2 and 3. Her behaviour had been of someone particularly in drink.
15. On the 15th September the Respondent had appeared as a solicitor in Hyndburn Magistrates Court.
16. Her solicitors in the letter of 25th March 2002 had tried to dilute the matters referred to by Sergeant Hopwood, but Sergeant Hopwood's assertion that he saw the Respondent swaying through drink whilst in the court room had not been denied. In the Respondent's own letter of 14th July 2000 she had accepted that she might have smelt of alcohol on that occasion.
17. The Respondent had not practised as a solicitor since the 17th September 1999.
18. The OSS had written to the Respondent on a number of occasions from the 17th November 1999 but no response had been received at all until the 14th July 2000 when the Respondent accepted her failure to respond to the letter of the 8th May 2000.
19. A Testimonial from District Judge Heyworth was before the Tribunal.

The Submissions on behalf of the Respondent

20. By a letter dated 25th March 2002 the solicitors for the Respondent wrote that they had been instructed by the Respondent that she wished to admit all of the allegations against her but that she did not wish to attend the Tribunal or to be represented.
21. The Respondent's solicitors had written a letter of mitigation on her behalf without her express instructions.
22. The letter set out a brief history of the Respondent and gave information regarding the drink problem and the problems by which it appeared to have been principally caused.
23. In relation to the allegations the letter stated:-

“So far as the first five allegations against her are concerned, they can all be attributed to her alcohol problems. As far as the final allegation is concerned, that can be attributed to a depression which resulted from her alcoholism and the events which have occurred in her life.

I feel that no useful purpose can be served by going into those matters, save to make the following observations:-

1. So far as allegations 2 and 3 are concerned, all of the facts set out in the brief summary which you have were not admitted. There were further and more serious charges, and the matter was resolved by pleas of guilty for the lesser offences referred to in the Statement which you have.
2. So far as the complaint at 5 is concerned, I personally became involved in this matter at a later stage, as the Applicant sought to obtain a Justices' Licence for the premises in question. It was clear to me, in conversations which I had with Sergeant Hopwood, that he had dealt with Licensing in Accrington for many years, and he regarded any challenge to his opinion a personal affront.

I have spoken to the Clerk who dealt with the hearing referred to by Sergeant Hopwood, Mr Johns, who has told me that in his opinion Mrs Lazonby probably was the worse for drink, but that he did not find her cross examination offensive. He could not comment on the other matters mentioned by Sergeant Hopwood.

Mrs Lazonby has, since the arrest in September 1999, not worked as a Solicitor, or in any capacity, in the Law. She is involved in looking after her horses, and giving occasional riding lessons to children.

In herself she is much better, but unfortunately, she has still not managed to completely give up drinking.

It is extremely unlikely that she will ever return to work in a Solicitors' office, and she certainly has no intention of doing so in the foreseeable future.

Having said that, and having regard to the effort which she put in to becoming a Solicitor in the first place, and achieving a reputation for the work which she did whilst working as a Solicitor, she is extremely anxious that she should not be struck off.

I have not obtained Testimonials from a large number of her former colleagues, but I do know from conversations that I have had with them, that they would certainly be available if so required. I do enclose one Testimonial from District Judge James Heyworth, which is self-explanatory.

In all the circumstances of this unfortunate matter, I ask the Tribunal to be as lenient as it possibly can, in determining what sentence should be imposed”.

The Findings of the Tribunal

The Tribunal found the allegations to have been substantiated indeed they were not contested.

The Tribunal considered that this was a very sad case. The Respondent suffered from alcoholism and this had resulted in convictions for drink related offences. The Respondent had not appeared before the Tribunal but the Tribunal had given careful consideration to the letter submitted in mitigation by her solicitors.

The Tribunal had also noted the reference from District Judge Heyworth who had praised the Respondent’s professional ability prior to her drink problem. The Tribunal considered however that it was a serious matter for a solicitor to be convicted of such offences and a very serious matter for a solicitor to be the worse for drink while representing a client in court. The Tribunal had to keep at the forefront of their minds the effect on the public perception of the profession as a result of such conduct. While recognising a personal tragedy for the Respondent, the protection of the public and the upholding of the reputation of the profession in the eyes of the public were paramount. The appropriate penalty for such conduct was the ultimate sanction.

The Tribunal therefore ordered that the Respondent Linda Jessie Lazonby of Blacko, Nelson, Lancashire, solicitor be struck off the Roll of Solicitors and they further ordered that she do pay the costs of and incidental to the application and enquiry to be subject to detailed assessment unless agreed.

DATED this 14th day of June 2002

on behalf of the Tribunal

D J Leverton
Chairman